

HOUSE BILL 522

Unofficial Copy
A2

2004 Regular Session
(4lr2217)

ENROLLED BILL

-- *Economic Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegate Minnick (Baltimore County Administration) and
Delegate Kach**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County - Alcoholic Beverages - Hunt Valley Commercial/Mixed**
3 **Use Focal Point**

4 FOR the purpose of authorizing the Baltimore County Board of License
5 Commissioners to transfer a certain number of beer, wine and liquor (on-sale)
6 retail alcoholic beverages licenses in existence in Election District 15 into the
7 Hunt Valley Commercial/Mixed Use Focal Point; requiring the licenses to be
8 converted into Class B (HV) restaurant beer, wine and liquor licenses; providing
9 for certain restrictions, qualifications, and conditions with respect to the
10 licenses and the establishments subject to the licenses, ~~including hours of~~
11 ~~operation, percentage of receipts from the sale of food, seating capacity, zoning~~
12 ~~regulations, and other requirements~~; prohibiting the transfer of a license issued
13 under this Act to a new location other than the original location; prohibiting the
14 issuance of more than a total of a certain number of beer, wine and liquor
15 licenses in the Hunt Valley Commercial/Mixed Use Focal Point; and generally
16 relating to alcoholic beverages licenses in Baltimore County.

1 BY adding to
2 Article 2B - Alcoholic Beverages
3 Section 8-204.4
4 Annotated Code of Maryland
5 (2001 Replacement Volume and 2003 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article 2B - Alcoholic Beverages**

9 8-204.4.

10 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

11 (B)(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS AND
12 IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE UNDER THIS ARTICLE,
13 THE BOARD OF LICENSE COMMISSIONERS MAY AUTHORIZE THE TRANSFER OF TWO
14 BEER, WINE AND LIQUOR (ON-SALE) RETAIL LICENSES IN EXISTENCE IN ELECTION
15 DISTRICT 15 ON JULY 1, 2004, AND VALID ON THE DATE OF TRANSFER INTO THE
16 "HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT" AS DESIGNATED IN THE
17 HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY
18 COUNCIL ON OCTOBER 19, 1998.

19 (2) A LICENSE TRANSFERRED UNDER THIS SECTION:

20 (I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT IS
21 PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER
22 THAN CROSSING DISTRICT LINES;

23 (II) SHALL BE CONSIDERED A REGULAR LICENSE AND NOT AN
24 EXCEPTION LICENSE FOR PURPOSES OF DETERMINING THE TOTAL NUMBER OF
25 LICENSES AVAILABLE IN ANY ELECTION DISTRICT BASED ON THE RULE OF THE
26 BOARD OF LICENSE COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF
27 LICENSES AVAILABLE BY POPULATION;

28 (III) SHALL BE CONVERTED INTO A CLASS B (HV) LICENSE; AND

29 (IV) AS OF THE DATE OF TRANSFER, MAY NOT BE CONSTRUED TO
30 EXIST IN DISTRICT 15.

31 (C) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, THE
32 RESTRICTIONS AND QUALIFICATIONS FOR THE ISSUANCE AND FEE OF THE CLASS B
33 (HV) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL LICENSE UNDER THIS
34 SECTION, THE MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND
35 BEVERAGE PREPARATION AND CONSUMPTION IN THE LICENSED ESTABLISHMENT,
36 AND THE DAYS AND HOURS OF SALE FOR THE LICENSED ESTABLISHMENT SHALL BE
37 THE SAME AS THE RESTRICTIONS AND QUALIFICATIONS PROVIDED FOR IN THIS
38 ARTICLE AND IN THE REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS

1 FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT
2 LICENSE.

3 (D) THE FOLLOWING ADDITIONAL REQUIREMENTS APPLY TO THE CLASS B
4 (HV) RESTAURANT (ON-SALE) BEER, WINE AND LIQUOR RETAIL LICENSE
5 ESTABLISHED BY THIS SECTION:

6 (1) THE LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE
7 "HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT" AS DESIGNATED IN THE
8 HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY
9 COUNCIL ON OCTOBER 19, 1998;

10 (2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE
11 OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE
12 REGULATIONS OF THE BOARD OF LICENSE COMMISSIONERS;

13 (3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY
14 RECEIPTS FROM THE SALE OF THE FOOD OF AT LEAST 70% OF THE TOTAL DAILY
15 RECEIPTS OF THE ESTABLISHMENT;

16 (4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED
17 PRIMARILY FOR THE PURPOSE OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES
18 MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT;
19 AND

20 (5) SUBJECT TO THE PROVISIONS OF SUBSECTION (H) OF THIS SECTION,
21 THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE
22 EXERCISED MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.

23 (E) THE LICENSE AUTHORIZES ON-PREMISES SALES ONLY.

24 (F) THE PROPOSED PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING
25 REGULATIONS.

26 (G) (1) ONCE ISSUED, THE LICENSE MAY NOT BE:

27 (I) TRANSFERRED TO A NEW LOCATION OTHER THAN THE
28 ORIGINAL LOCATION FOR WHICH THE LICENSE WAS ISSUED; OR

29 (II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.

30 (2) ~~HOWEVER, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT~~
31 PROHIBIT THE TRANSFER OF OWNERSHIP OF THE LICENSE ~~TO BE TRANSFERRED.~~

32 (H) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY
33 UNTIL 1:30 A.M.

34 (I) THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE MORE THAN A
35 TOTAL OF THREE (3) BEER, WINE AND LIQUOR LICENSES IN THE HUNT VALLEY
36 COMMERCIAL/MIXED USE FOCAL POINT UNDER THE EXCEPTIONS IN RULE 19 OF THE

1 RULES AND REGULATIONS OF THE BALTIMORE COUNTY BOARD OF LICENSE
2 COMMISSIONERS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2004.